IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2342 of 2005

Between:

1 Uppu Subbarao, s/o Dharmaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
2 Challa Srinivasa Rao. S/o Ramulu,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
3 Uppu Ramakrishna, S/o Dharmaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
4 Uppu Someswara Rao, S/o Venkanna,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
5 Uppu Gangadharrao, S/o Venkaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
6 Uppu Baburao, S/o Raghavaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
7 Uppu Chandrarao, S/o Raghavaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
8 Uppu Raghavamma, W/o Rajarao,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
9 Uppu Satyanarayana, s/o Dharmaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
10 Uppu Ramachandrarao, s/o Raghavaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.
11 Uppu Rammohanrao, S/o Atchaiah,
R/o Kanijerla (V), Lingapalem (M), West Godavari District.

..... PETITIONERS

AND

1 The District Panchayat Officer, West Godavari District, Eluru.
2 The District Collector, West Godavari District, Eluru.
3 The Mandal Revenue Officer, Lingapalem Mandal, West Godavari District.
4 The Superintendent of Police, West Godavari, Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of

Writ of Mandamus declaring the action of the Respondents in not allowing the petitioners from removing/transporting the sand from their patta lands admeasuring Ac. 9-00 guntas in R.S.Nos. 371/1, 371/2, 371/3 and 371/4 of Kanijerla Village, Lingapalem Mandal, West Godavari District and consequently direct the Respondents not to interfere with the transportation of sand by the Petitioners from their patta lands admeasuring Ac. 9-00 guntas in R.S.Nos. 371/1, 371/2, 371/3 and 371/4 of Kanijerla Village, Lingapalem Mandal, West Godavari District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 2342 of 2005

ORDER:

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The petitioners state that they are the owners and pattadars of the land in R.S.No.371/1, 371/2, 371/3 and 371/4 of Kanijerla Vilage, Lingapalem Mandal, West Godavari District.

It is stated that the said land is presently not fit for cultivation as the same is full of shrubs and bushes and a large quantity of sand is deposited therein due to heavy

rains and floods. In these circumstances, the petitioners wanted to remove the sand deposits and as such, they have engaged necessary machinery for the said purpose. However, the respondents have been obstructing and not allowing them to proceed with the said work under the guise of G.O.Ms.No.356 Industries and Commerce Department, dated 22.11.1999. In the circumstances, the petitioners made a representation, dated 24.03.2004 to the respondents explaining the circumstances and requesting them to grant permission for transportation of sand from their patta lands. However, there was no response and the petitioners also made a further representation on 31.01.2005. Aggrieved by the inaction on the part of the respondents, this writ petition is filed.

As can be seen from the material on record, the said representation was received in the office of the Revenue Divisional Officer, Eluru, the District Collector, Eluru as well as the District Panchayat Officer, Eluru, on 31.01.2005 itself.

Having regard to the facts and circumstances and having heard the learned Counsel for the petitioners and the learned Government Pleader for Panchayat Raj for the respondents, without expressing any opinion as to the entitlement of the petitioners for the permission as sought for, the writ petition is disposed of with a direction to the respondents to consider their representations dated 24.03.2004 and 31.01.2005 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of the receipt of a copy of this order. No order as to costs.

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11th February, 2005

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Note:

C.C.by three days

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Copy to:

1. The District Panchayat Officer, West Godavari District, Eluru.
2. The District Collector, West Godavari District, Eluru.
3. The Mandal Revenue Officer, Lingapalem Mandal, West Godavari District.

4. The Superintendent of Police, West Godavari, Eluru.

5. Two C.C.s to the Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

6. Two C.D.Copies.